

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:

Elgin Butler Company § Case No. 14-11180-tmd
§ Chapter 11
DEBTOR §

**MOTION OF THE UNITED STATES TRUSTEE
TO CONVERT CASE TO A CASE UNDER CHAPTER 7**

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely response is necessary for a hearing to be held.

TO THE HONORABLE TONY M. DAVIS, U. S. BANKRUPTCY JUDGE:

COMES NOW, JUDY A. ROBBINS, United States Trustee for Region 7, through the undersigned counsel and files this Motion to Convert Case to a Case Under Chapter 7 pursuant to 11 U.S.C. §1112(b)(1), (2), and (4), and respectfully represents as follows:

1. The Court has jurisdiction of this matter under 28 U.S.C. § 134(a) and (b), 28 U.S.C. § 157(a) and (b)(1), 28 U.S.C. § 151, and 11 U.S.C. § 1112(b). This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (B).

2. Elgin Butler Company filed a voluntary petition under Chapter 11 of Title 11, United States Code on August 10, 2014. The Court confirmed the Debtor's Modified Chapter 11 Plan of Reorganization on November 20, 2014.

3. Despite many requests by the UST and promises made by the Debtor, the Debtor has not filed any post-confirmation reports since the plan of reorganization was confirmed. This failure is one of the specific examples of "cause" in 11 U.S.C. §1112(d)(4)(H). Without these

post-confirmation reports, the Court, creditors, and the U.S. Trustee are unable to determine whether or not the Debtor is performing under the plan. Without these reports, the UST cannot calculate the precise amount of U.S. Trustees Program quarterly fees which the Debtor owes, further cause for the conversion of this case. 11 U.S.C. §1112(d)(4)(K). The UST estimates that the Debtor owes fees in the amount of \$19,500.00 for the third and fourth quarters of 2015.

4. For cause as described above, this case should be converted to a case under Chapter 7 of the Bankruptcy Code.

WHEREFORE, premises considered, the United States Trustee prays that the Court convert this case to a case under Chapter 7 for cause. The UST prays for any and all further relief as is equitable and just.

Respectfully submitted,

JUDY A. ROBBINS
UNITED STATES TRUSTEE
REGION 7

By: /s/ Valerie L. Wenger
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CERTIFICATE OF SERVICE

I certify that I sent a true copy of this United States Trustee's Motion to Convert Case to a Case Under Chapter 7 by prepaid first class mail to the persons listed below and to the parties listed on Debtor's Mailing Matrix (not attached to service copies) on January 11, 2016.

/s/ Valerie L. Wenger
Valerie L. Wenger

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Elgin TX 78621

Debtor's Attorney:

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Label Matrix for local noticing

0542-1

Case 14-11180-tmd

Western District of Texas

Austin

Mon Jan 11 10:39:03 CST 2016

Trikeenan Tileworks, Inc. of New York

365 Fm 696

Elgin, TX 78621-5034

Elgin Butler Company

365 FM 696

Elgin, TX 78621-5034

McIntyre Tile Company Inc.

365 FM 696

Elgin, TX 78621-5034

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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(d)Dell Financial Services, LLC
Resurgent Capital Services
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(d)AT&T Mobility
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End of Label Matrix
Mailable recipients 171
Bypassed recipients 3
Total 174